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UBER TECHNOLOGIES, INC. and RASIER, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN DULBERG, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., and
RASIER, LLC,

Defendants.

Case No. 3:17-CV-00850-WHA

**JOINT STIPULATION PURSUANT TO
LOCAL RULE 6-2(a) REQUESTING
EXPEDITED HEARING ON MOTION
FOR PRELIMINARY APPROVAL OF
REVISED SETTLEMENT AGREEMENT;
[PROPOSED] ORDER**

[ECF No. 157]

Hearing date: August 1, 2019

JOINT STIPULATION

Pursuant to Civil Local Rule 6-2(a), Plaintiff Dulberg and Defendants Uber Technologies, Inc. and Rasier, LLC (collectively “Uber,” and together with Plaintiff, the “Parties”) stipulate and agree that:

WHEREAS, on May 7, 2019, the Court rejected final approval of the Parties’ original proposed class settlement agreement and stated that the Parties had until May 23, 2019 to revise and agree on new terms; the Court also set a jury trial for August 19, 2019 and a final pre-trial conference for August 7, 2019 in the event that a revised agreement could not be reached. ECF No. 153.

WHEREAS, on May 23, 2019, the Parties notified the Court that they had reached a revised class settlement agreement that addressed the concerns raised by the Court with respect to the original settlement agreement and stated that they intended to move for preliminary approval of the revised agreement. ECF No. 154.

WHEREAS, on May 24, 2019, the Court entered an order stating that “the parties are encouraged to jointly move for preliminary approval of settlement,” but noted that “[n]o trial dates or deadlines will be vacated ... until the proposed settlement has been preliminarily approved.” ECF No. 155.

WHEREAS, on June 7, 2019, Plaintiff filed an unopposed motion for preliminary approval of the revised settlement agreement. ECF No. 156.

WHEREAS, on June 11, 2019, a hearing on the motion for preliminary approval was set for August 1, 2019 at 8:00 a.m. ECF No. 157.

WHEREAS, the Parties agree that, to allow sufficient time to resolve the motion for preliminary approval and to avoid having to prepare for trial concurrently while the motion is being resolved, the hearing on the motion for preliminary approval should be expedited from August 1, 2019 to July 18, 2019, or some earlier date that is convenient for the Court.

NOW, THEREFORE, pursuant to Civil Local Rule 6-2(a), the Parties STIPULATE and REQUEST that the hearing on the motion for preliminary approval currently set for August 1, 2019 at 8:00 a.m. be expedited to **July 18, 2019**, or some earlier date that is convenient for the

1 Court.

2 In the alternative, if an earlier hearing date is unavailable or if the Court would prefer not
3 to move the hearing date, the Parties request that the Court consider changing the trial date from
4 August 19, 2019 to some time on or after September 19, 2019 to allow time to resolve the
5 preliminary approval motion. While the Parties are mindful that the Court stated it would not
6 vacate the trial date until the settlement was preliminarily approved, the Parties submit it would
7 be inefficient to have both the preliminary approval hearing date and the trial date less than three
8 weeks apart, and the preliminary approval hearing date and the final pretrial conference less than
9 one week apart, forcing full preparation for a trial even while the motion has been pending on the
10 preliminary approval of the revised settlement for the time period contemplated by the Court's
11 May 24, 2019 Order (ECF No. 155).

12 IT IS SO STIPULATED.

13
14 Dated: June 26, 2019

O'MELVENY & MYERS LLP

15 By: /s/ Matthew D. Powers
16 Matthew D. Powers

17 Counsel for Defendants
Uber Technologies, Inc. and Rasier, LLC

18
19 Dated: June 26, 2019

NAPOLI SHKOLNIK PLLC

20 By: /s/ Danielle J. Marlow
21 Danielle J. Marlow

22 Counsel for Plaintiff
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ATTESTATION OF FILING

Pursuant to Local Rule 5.1(i)(3) regarding signatures, I, Matthew D. Powers, attest that concurrence in the filing of this JOINT STIPULATION PURSUANT TO LOCAL RULE 6-2(a) REQUESTING EXPEDITED HEARING ON MOTION FOR PRELIMINARY APPROVAL OF REVISED SETTLEMENT AGREEMENT has been obtained from Danielle J. Marlow.

Dated: June 26, 2019

O'MELVENY & MYERS LLP

By: /s/ Matthew D. Powers
Matthew D. Powers

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

By: _____

Hon. William H. Alsup
United States District Judge